

Response under 37 C.F.R. 1.111
Serial No. 09/827,847
Page 7 of 11

Remarks

In view of the following discussion, the Applicant submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, the Applicant believes that all claims are now in allowable form.

It is to be understood that the Applicant, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing this Response.

Rejections

Rejections of claims under 35 U.S.C. § 102

The Examiner has rejected claims 1-32 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 6,771,763 issued August 3, 2004 to Hagirahim et al. (hereinafter "Hagirahim"). Specifically, the Examiner alleges that all claimed features have been disclosed in the system and methods of the cited reference. The rejection is respectfully traversed.

Applicant has hereinabove amended each of the independent claims to read as follows:

1. A method of transporting packets from a first voice switch coupled to a communication network, comprising:
receiving, at the first voice switch, information bearing packets from at least one of a plurality of transport mediums of a first subscriber intended for routing to a second subscriber;

Response under 37 C.F.R. 1.111
Serial No. 09/827,847
Page 8 of 11

multiplexing said packets onto a transport stream intended for a second voice switch serving said second subscriber, responsive to a determination that said first switch and said second switch are compatible; and

enabling the communication of said transport stream to said communication network.

15. A method of transporting voice traffic between a first voice switch, over a Public Switched Telephone Network (PSTN), to a second voice switch, comprises:

receiving, at the first voice switch servicing a first subscriber, an analog voice call from the first subscriber for routing to a second subscriber;

digitizing said voice traffic;

packetizing said digitized traffic;

compressing said packetized traffic;

multiplexing said packets onto a transport stream containing packets from at least one of a plurality of non-analog based voice calls intended for a second voice switch serving said second subscriber, responsive to a determination that said first switch and said second switch are compatible; and

enabling the communication of said transport stream to said PSTN.

24. An apparatus comprising:

a first voice switch for receiving information bearing packets from at least one of a plurality of transport mediums of a first subscriber intended for routing to a second subscriber over a network;

Response under 37 C.F.R. 1.111
Serial No. 09/827,847
Page 9 of 11

said first switch, in response to a determination that said first switch and a respective second voice switch are compatible, multiplexing said packets onto a transport stream intended for said second voice switch; and enabling the communication of said transport stream to said communication network.

It is well established that, "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added)). Hagirahim fails to disclose each and every element of the claimed invention, as arranged in the claim; hence, the reference does not anticipate the subject invention.

Specifically, it is submitted that the cited reference discloses a system and method for transmitting and receiving voice over DSL (VoDSL) traffic in a network via interfacing with a dedicated DSL multiplexer 130 and gateway 150 linked to a PSTN160. However, the subject invention is a method and apparatus that is capable of transporting packets of voice information from a first switch to a second switch from a plurality of different transport mediums or sources. Specifically and as seen in FIG. 1 of the subject application, there are a plurality of voice sources (phone 102, terminals 104 and 106 and cell phone 108) that collectively comprise a plurality of different transport mediums of voice information in the network. Such also being seen and described at page 3, lines 13-18 and lines 21-30 of the subject application with respect to amendments to claims 1 and 24; no new matter has been entered. Additional information is also discussed at page 4, lines 4-11. With respect to the amendments to claim 15, page 8, lines 11-14 discuss multiplexing of a number of different incoming calls from a first voice switch to form a transport stream. Such features differ from that of the cited reference in that the cited reference presents only processing of

Response under 37 C.F.R. 1.111
Serial No. 09/827,847
Page 10 of 11

VoDSL information without the regard to other sources of voice information. Since the cited reference presents only one type of voice call source (VoDSL and nothing further) is respectfully submitted that the subject invention provides more than that disclosed in the Hagirahim. Most particularly, is the fact that all subscriber components from subscriber cite A in the cited reference (telephones 112 and computing device 114 are all tied in to a single integrated access device and linked to a single DSL service (DSL_A) and tied into a single multiplexer (DSLAM). That is, no other transport mediums or voice sources beyond DSL are considered. Accordingly, it is respectfully submitted that claims 1, 15 and 24 are not anticipated by the cited reference.

Furthermore, claims 2-14, 16-13 and 25-32 depend, either directly or indirectly, from independent claims 1, 15 and 24 and recite additional features thereof. As such and for at least the same reasons as discussed above, Applicant submits that these dependent claims are also not obvious and fully satisfy the requirements under 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

CONCLUSION

Thus, the Applicants submit that claims 1, 15 and 24 are in condition for allowance. Accordingly, reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Eamon J. Wall at (732) 530-9404

Response under 37 C.F.R. 1.111
Serial No. 09/827,847
Page 11 of 11

so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

January 5, 2005

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